

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 31

January 19, 1995, 9:40 p.m.
Page S-1200 Temp. Record

UNFUNDED MANDATES/Bill Impact Statements on Children

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Kempthorne motion to table the Wellstone/Glenn perfecting amendment No. 171 to the Gorton perfecting amendment No. 31, as amended, to the language proposed to be stricken by the committee amendment beginning on page 25, line 11, as modified.

ACTION: MOTION TO TABLE AGREED TO, 55-42

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-30, 32-41, 43-45, and 47-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The committee amendment beginning on page 25, line 11, as modified, would strike the provision that would give the Governmental Affairs Committee in the Senate, and the Committee on Government Reform and Oversight in the House, the authority to make the final determination on whether proposed legislation contains a Federal mandate. It would also strike the provision providing that the levels of Federal mandates for a fiscal year will be determined based on the estimates of the respective budget committees. (The Budget Committee, which considered the bill sequentially in accordance with Budget Act requirements, struck these provisions with this one amendment). As modified, the amendment would insert language to provide that in the Senate, the Presiding Office will consult with the Committee on Governmental Affairs to the extent practicable on questions concerning whether a mandate exists in a pending matter. It would also add that in the Senate, the levels of Federal mandates for a fiscal year will be determined based on estimates made by the Budget Committee.

The Gorton amendment to the language proposed to be stricken by the committee amendment, as amended (see vote Nos. 23-25), would express the sense of the Senate: that Goals 2000 history standards that were developed before February 1, 1995 should not

(See other side)

YEAS (55)			NAYS (42)		NOT VOTING (3)	
Republicans (52 or 100%)	Democrats (3 or 7%)		Republicans (0 or 0%)	Democrats (42 or 93%)	Republicans (1)	Democrats (2)
Abraham	Inhofe	Bingaman		Akaka	Hollings	
Ashcroft	Jeffords	Heflin		Baucus	Inouye	
Bennett	Kassebaum	Nunn		Biden	Kennedy	
Bond	Kempthorne			Boxer	Kerry	
Brown	Kyl			Bradley	Kerry	
Burns	Lott			Breaux	Kohl	
Chafee	Lugar			Bryan	Lautenberg	
Coats	Mack			Bumpers	Levin	
Cochran	McCain			Byrd	Lieberman	
Cohen	McConnell			Campbell	Mikulski	
Coverdell	Murkowski			Conrad	Moseley-Braun	
Craig	Nickles			Daschle	Moynihan	
D'Amato	Packwood			Dodd	Murray	
DeWine	Pressler			Dorgan	Pell	
Dole	Roth			Exon	Pryor	
Domenici	Santorum			Feingold	Reid	
Faircloth	Shelby			Feinstein	Robb	
Frist	Simpson			Ford	Rockefeller	
Gorton	Smith			Glenn	Sarbanes	
Gramm	Snowe			Graham	Simon	
Grams	Specter			Harkin	Wellstone	
Grassley	Stevens					
Gregg	Thomas					
Hatch	Thompson					
Hatfield	Thurmond					
Hutchison	Warner					

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

be approved or certified; that Goals 2000 history standards should not be based on standards developed primarily by the National Center for History in the Schools prior to February 1, 1995; and that any recipient of funds for the development of Goals 2000 history standards should have a decent respect for the contributions of western civilization, and United States history, ideas, and institutions, to the increase of freedom and prosperity around the world. Further, it would express the sense of the Senate: that States should not shift costs to local governments, which often leads to property tax increases; that State legislatures should not impose unfunded mandates on local governments without first fully considering those mandates; and that a primary objective of this Act should be to reduce taxes and spending at all levels and to end the practice of shifting costs with little or no benefit to taxpayers. Additionally, the amendment would express the sense of the Senate that "the United States Attorney General should fully enforce the law and protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack." Finally, the amendment would require agencies to issue cost estimates of all proposed regulations that would impose burdens in excess of \$100 million on the private sector.

The Wellstone amendment would add the following, "Consideration of any bill or joint resolution of a public character reported by any committee of the Senate or of the House of Representatives that is accompanied by a committee report that does not contain a detailed analysis of the probable impact of the bill or resolution on children, including whether such bill or joint resolution will increase the number of children who are hungry or homeless, shall not be in order."

Debate was limited by unanimous consent. Following debate, Senator Kempthorne moved to table the Wellstone amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

The Senator from Minnesota is a strong and a great advocate for children. We believe that we are as well, even though we must vote against his amendment. Basically, we are taking two different tacks. Senator Wellstone's amendment is predicated on the belief that children will not do as well if the Federal Government is not vigorously providing for their welfare. This bill, on the other hand, is predicated on the belief that if the Federal Government stops telling State and local governments what to do, those governments will be able to operate much more efficiently and effectively. Once the Federal Government relinquishes control, children will be better off--everyone in America, and every level of government, has the best interests of kids at heart. If our colleagues would just talk to the mayors and governors across America, both Democratic and Republican, they would hear that burdensome Federal requirements were making it difficult for them to provide needed services to their citizenry, especially children. The Wellstone amendment, though its sponsors mean well, misses the point that the best of Federal intentions often have the worst of results. Therefore, with the utmost respect for our colleagues who favor this amendment, we must vote in favor of the motion to table.

Those opposing the motion to table contended:

This amendment is different than the amendment we offered last week on this topic. The previous Wellstone amendment was intended to provide an assurance that the Senate would not pass any legislation which would increase hunger and homelessness among children. That amendment was necessary, we thought, to stop some of the mean-spirited legislation that will soon be introduced in accordance with the Contract With America. That amendment was rejected. This particular Wellstone amendment is similar to the previous amendment, though more modest. All this amendment would do is require committees to report on the impact their proposed legislation will have on children. Surely if we can require them to tell us if their legislation will burden State and local governments, and businesses, then we can also require them to tell us if it will burden children. Everyone knows that Republicans intend to cut social programs, and those programs serve primarily children. The number of poor, hungry, and homeless children is on the rise in America--we do not feel that now is the right time to turn our backs on them by cutting social programs. By requiring these reports, we hope that we will force our colleagues to face up to the human costs of their proposals to trim government. Therefore, we urge Senators to join us in voting against the motion to table.